

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOU CHUNG HER,

Defendant.

Case No. 1:24-CR-0107 KES BAM

ORDER FOR PSYCHIATRIC OR
PSYCHOLOGICAL EXAMINATION
PURSUANT TO 18 U.S.C. §4241(b) AND
EXCLUSION OF TIME

On March 12, 2025, Defendant Nou Chung Her appeared with counsel for a status conference. At the conference, defense counsel expressed his concern about defendant's mental condition and orally moved for a psychological evaluation. In the oral motion, counsel represented his concern that his client lacks the present ability to consult with counsel in a meaningful way and that Defendant is unable to assist properly in his defense. The Court observed, that in multiple hearings, Mr. Her had a vacant expression, never raised his eyes, and was not mentally following what was happening in Court.

The Court finds that once the Court is presented with representations which form reasonable cause to believe the defendant lacks the mental fitness to proceed, whether by motion, by facts coming before it, or through its own observations, the Court is mandated to order a psychiatric or psychological exam. *See generally Chavez v. United States*, 656 F.2d 512, 516-18 (9th Cir.1981). Based upon counsel's oral motion and the conduct at the hearing, the Court has reasonable cause to believe defendant lacks the mental fitness to proceed and assist properly in his defense.

